

XAS  
DEC - 5 2003

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

3.03xV266N

**TOMMY HABEEB**  
**Defendant**

**TO THE HONORABLE JUDGE OF SAID COURT:**

## I. LIST OF WITNESSES


1. Robert N. Goldstein will testify to the existence, history and nature of the relationship between the parties, that Habeeb is a Director of Goldstein/Habeeb/McCalmont Entertainment, Inc., that Habeeb abandoned his duties to the corporation, that Habeeb subsequently infringed on Goldstein's copyrights and trademark, that Habeeb has publicly disparaged the corporation, and that Habeeb has publicly and wrongfully claimed an adverse interest in and to Goldstein's copyrights and trademark necessitating the filing of this suit. Goldstein's testimony will take the better portion of the first day of trial. Goldstein will identify and authenticate the documents not otherwise identified and authenticated by Habeeb.
2. Tommy Habeeb will confirm the testimony of Goldstein. Habeeb's testimony and will take approximately ½ day. Habeeb will identify and authenticate the documents not otherwise identified and authenticated by Goldstein.

**II.**  
**LIST OF EXHIBITS**

<b>Exh. No.</b>	<b>Description</b>	<b>Witness</b>	<b>Offered</b>	<b>Admitted</b>
1	5/26/1998 - Memo from Habeeb regarding terms of Goldstein Habeeb, Inc.	_____	_____	_____
2	9/2/1999- Letter from T. Lawty regarding Goldstein/Habeeb, Inc. documents.	_____	_____	_____
3	8/25/99 - Goldstein/Habeeb, Inc. Minutes of Organization Meeting of Directors.	_____	_____	_____
4	8/25/99-Shareholders Agreement	_____	_____	_____
5	6/1/99-Assignment and Assumption Agreement	_____	_____	_____
6	8/25/99-Assignment and Assumption Agreement	_____	_____	_____
7	2/17/00 - E-mail from Goldstein regarding Habeeb's resignation from the board.	_____	_____	_____
8	6/20/00 -Resolutions of the Board of Directors and Shareholders of Goldstein/Habeeb Entertainment.	_____	_____	_____
9	7/4/00-E-mail from Habeeb regarding corporate duties. 6/29/00-Director and Shareholders Duties and Liabilities	_____	_____	_____
10	9/29/00-Letter from Attorney Schaefer regarding Amendment to Host Memorandum of Agreement	_____	_____	_____
11	10/27/00-Shareholders' Agreement Goldstein/Habeeb/McCalmont Entertainment	_____	_____	_____
12	6/7/01- Email to Habeeb regarding use of the name Grand, future agency	_____	_____	_____
12a	11/27/01- Followup email regarding the use of Grand as well as office for personal use	_____	_____	_____
13	11/28/01 - email to Habeeb regarding revocation of license	_____	_____	_____

Exh. No.	Description	Witness	Offered	Admitted
13a	11/27/01- Duplicate of 12a - labeled Deposition Exhibit 15	_____	_____	_____
14	3/2/01 - Video	_____	_____	_____
15	4/11/02-Video	_____	_____	_____
16	1/21/03-Video	_____	_____	_____
17	8/22/00-Tommy Gunn Production home page	_____	_____	_____
18	12/8/01-Tommy Habeeb home page	_____	_____	_____
19	6/23/02-Tommy Habeeb home page	_____	_____	_____
20	6/23/02-Cheaters T-shirt on Habeeb's web site	_____	_____	_____
21	8/13/02-"Speaking Forum Live" from Habeeb's web site	_____	_____	_____
22	12/10/02-Habeeb's web page	_____	_____	_____
23	1/31/03- Habeeb's web page with message "to all Cheaters Fans"	_____	_____	_____
23a	8/6/03- Habeeb's web page with message still posted	_____	_____	_____
24	1/15/03-Message from David Meyer to Leon Gladstone	_____	_____	_____
24a	1/10/03-Email from Habeeb to Goldstein  regarding Meyers letter	_____	_____	_____
25	6/28/01- Summary of Cheaters	_____	_____	_____
26	5/22/03-Defendant Tommy Habeeb's Objections and Responses to Plaintiff's Interrogatories.	_____	_____	_____

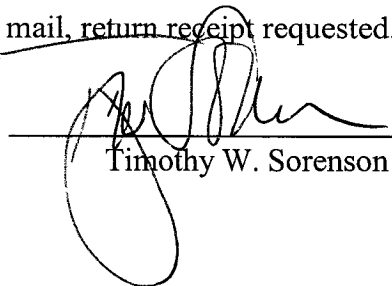
Respectfully submitted,



**Timothy W. Sorenson**  
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**Attorney for Plaintiffs**

**Certificate of Service**

I certify that on this 5<sup>th</sup> day of December, 2003, a copy of the above and foregoing witness and exhibit list was served on Andrew Bergman, counsel for Defendant, at 4514 Travis, Suite 300, Dallas, Texas 75205 by certified mail, return receipt requested.

  
Timothy W. Sorenson